



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/833,620	04/07/97	DOBBINS	M 15275/8610 (D)

MICHAEL L. GOLDMAN
NIXON PEABODY LLP
CLINTON SQUARE, P.O. BOX 31051
ROCHESTER NY 14603

IM62/0110

EXAMINER	
HOFFMANN, J	
ART UNIT	PAPER NUMBER
1731	34

DATE MAILED: 01/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
--------------------	-------------	-----------------------	------------------

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

34

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 1-4-1 + 12-14-02
 This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 12,13,22 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
 Claim(s) _____ is/are allowed.
 Claim(s) 12,13,22 is/are rejected.
 Claim(s) _____ is/are objected to.
 Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
 The drawing(s) filed on _____ is/are objected to by the Examiner.
 The proposed drawing correction, filed on _____ is approved disapproved.
 The specification is objected to by the Examiner.
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 All Some* None of the CERTIFIED copies of the priority documents have been
 received.
 received in Application No. (Series Code/Serial Number) _____
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892
 Information Disclosure Statement(s), PTO-1449, Paper No(s). 34
 Interview Summary, PTO-413
 Notice of Draftsperson's Patent Drawing Review, PTO-948
 Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 12, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller 4501602 in view of Schwarz EP0038900 and optionally in view of Hyde 2272342 and/or JP 138145 ('145)

Miller teaches the invention substantially at col. 1, lines 10-31. Col. 12, line 3-8 essentially discloses that Miller's invention is an improvement of that col. 1 process. Miller also teaches that it is known that other silicon compounds can be used (col.1, lines 32-41), however, silicon tetrachloride is clearly favored by Miller.

Schwarz teaches to substitute siloxanes for the tetrachloride in the production of silica soot because: (1) such is free of chlorine and (2) absence of the need to get rid of acid (Page 3, lines 3-9). It would have been obvious to alter the Miller process so as to use one of the Schwarz cyclosiloxanes for the advantages of Schwarz. It is noted that Schwarz's second advantage is essentially the same as Applicant's advantage. - *Page 3. 1st Paragraph*

Hyde is cited because it discloses that for over 60 years it has been known that one can use any hydrolyzable compound in making silica soot (page 2, lines 34-37).

'145 is cited as documenting a reasonable expectation of success for making a high quality optical silica glass using a cyclosiloxane (see entire document and most particularly - page 6, lines 7-26). Although no cyclosiloxane is explicitly mentioned, one looking at '145 would at once

Art Unit: 1731

envise the cyclosiloxanes. Specifically the Six Ry Oz compound. Small values of x would be envisioned (i.e. 2,3,4). R = methyl would be envisioned because it is disclosed in the hexamethyldisiloxane and it is a very simple alkyl. One would envision Y to be a value less than $2x + 2$ (otherwise the phrase "not higher than $2x + 2$ " would be replaced with " is $2x+2$ ". And if Y is less than $2x + 2$, the compound is a cyclosiloxane - because there is no other appropriate structure for a siloxane with fewer than $2x+2$ monovalent hydrocarbon groups as required by '145.

As to claims 33-38, see Schwarz, page 3, line 4.

Requests for interviews

The Office initiates interviews whenever it is deemed that it would be beneficial to do so to advance prosecution. And when an Applicant wishes to have an interview, the burden to initiate the interview remains solely with Applicant. MPEP 408 notes that Examiners are not required to note or acknowledge requests for telephone calls or state reasons why such proposed telephone interview would not be effective; therefore, requests for the Office to initiate interviews will not be acknowledged.

MPEP 713.05, 713.03, 713.09, and 713.01 and common sense indicate that any of the following questions would be appropriate for the Office to ask prior to granting an interview: Has there already been an interview of record in the case? Will the interview last more than 30 minutes? When do you want the interview? Does Applicant's representative have Power of Attorney? Does Applicant's representative have authority to bind the principal concerned? (i.e. Does Applicant's representative have authority to make any and all changes?) Who will participate in the interview? What is the intended purpose(s) of the interview? What is the intended content of the requested interview? Failure to volunteer the above information might possibly result in a denial of an interview, or the inability of the Examiner to adequately answer Applicant's questions during the interview.

CONTACT INFORMATION

Examiner's number	(703) 308-0469
fax- official papers after a final rejection	305-3599
fax- official papers (all others)	305-7718
fax- unofficial papers	305-7115
Group Receptionist	308-0651

JOHN HOFFMANN
PRIMARY EXAMINER

1-9-1